

REMARKS

Claims 1-6, 8, 14 are pending in the application. Claim 7 has been canceled without prejudice or disclaimer in the Supplemental Preliminary Amendment filed June 7, 2004.

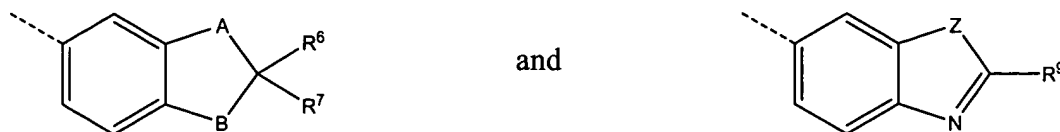
The Rejection of Claims 2-4 under 35 U.S.C. § 112, ¶ 2

Claims 2-4 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action asserts that antecedent basis is lacking for the substituted aryls and substituted heteroaryls in the definition of R⁴.

Applicants respectfully submit that the terms “aryl” and “heteroaryl” as defined in the specification embrace the alkoxy-substituted phenyl, hydroxyl-substituted phenyl, amino-substituted phenyl, and amino-substituted benzothiazolyl groups recited in the definition of R⁴ in claims 2-4. “Aryl” as defined on page 15, lines 20-29, includes phenyl substituted with one or more alkoxy, hydroxyl, and amino. “Aryl” therefore embraces 4-methoxyphenyl; 4-hydroxyphenyl; 3,4-dimethoxyphenyl; 3-aminophenyl; and 4-aminophenyl.

Likewise, “heteroaryl” as defined on page 17, lines 24-28 embraces aromatic heterocyclic radicals, which are optionally substituted as defined with respect to “aryl.” Benzothiazolyl is listed as a specific example of a “heteroaryl” on page 18, line 8. “Heteroaryl” therefore embraces amino-substituted benzothiazolyl groups and in particular embraces 2-amino-benzothiazol-5-yl and 2-amino-benzothiazol-6-yl as recited in the definition of R⁴ in claim 2.

Other substituted benzo fused groups recited in claims 2-4 (*e.g.*, 2-methyl-1,3-benzodioxol-5-yl) are embraced by the formulas



as recited in claim 1, wherein A, B, Z, R⁶, R⁷, and R⁹ are as defined therein.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, are respectfully requested.

The Nonstatutory Double Patenting Rejection of Claims 1-6, 8, and 14

Claims 1-6, 8, and 14 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,673,822; claims 1-7 of U.S. Patent No. 6,407,134; claims 1-6 of U.S. Patent No. 6,214,861; claims 1-6 of U.S. Patent No. 6,172,101; claims 1-14 of U.S. Patent No. 6,063,795; claims 1-8 of U.S. Patent No. 5,972,989; and claims 1-9 of U.S. Patent No. 5,776,971.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) over the above-cited U.S. Patent Nos. 6,673,822; 6,407,134; 6,214,861; 6,172,101; 6,063,795; 5,972,989; and 5,776,971.

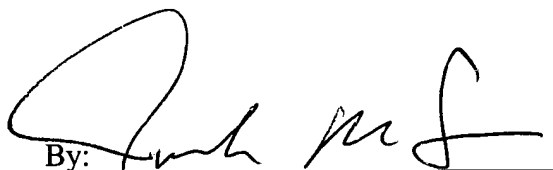
Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, all pending claims of this application are believed to be in condition for allowance, and acknowledgement of the same is respectfully requested. This response is believed to completely address all of the substantive issues raised in the Office Action dated May 4, 2005.

Respectfully submitted,

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